

# **BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI**

In the matter of the Application of Public Wireless, Inc.)  
for a Certificate of Service Authority to Provide ) File No. XA-2010-0022  
Interexchange and Non-Switched Local ) Tracking No. YX-2010-0024  
Telecommunications Services in the State of Missouri )

## **ORDER REQUIRING ENTRY OF APPEARANCE AND CHANGING DUE DATE FOR RECOMMENDATION**

Issue Date: August 17, 2009

Effective Date: August 17, 2009

The Missouri Public Service Commission is ordering that:

- Public Wireless, Inc. (Public Wireless) must appear through a lawyer admitted to practice in Missouri, and
- The Commission's staff's ("Staff") need file no recommendation unless Public Wireless complies with this order.

The Commission is also setting a conditional filing date for Staff's recommendation.

On July 15, 2009, Public Wireless filed an application with the Commission for a certificate of service authority with an accompanying tariff. The application and tariff are for intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410 through 392.450, RSMo. Public Wireless' application bears the signature of "J. Gregory Higgins, General Counsel."

Selecting legally significant facts for presentation to the Commission on behalf of another person, including a legal entity like a corporation, constitutes the practice of law.<sup>1</sup>

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<sup>1</sup> **Clark v. Austin**, 340 Mo 467, 101 S.W. 2d 977 (Mo 1937).

The practice of law is void if done by a person not admitted to practice law in this State.<sup>2</sup> Admission to practice before the Commission is subject to the provisions of Missouri Supreme Court Rule 9 and Commission Regulation 4 CSR 240-2.040, and the Commission has a duty to guard against the unauthorized practice of law.<sup>3</sup>

Therefore, compliance with those provisions determines whether the Commission will consider Public Wireless' application. The signature of J. Gregory Higgins includes no Missouri Bar number. A search of the Official Missouri Directory of Lawyers reveals no member of the Missouri Bar by that name. The Commission will allow time for Public Wireless to show compliance with the provisions of law cited above before the Commission takes further action. Pending such action, the parties may continue to discuss the issues in the application.

Also, the Commission's need for Staff's recommendation depends on Public Wireless' compliance, so the Commission will re-set the date for filing a recommendation depending on such compliance.

**THE COMMISSION ORDERS THAT:**

1. No later than August 21, 2009, Public Wireless, Inc., shall appear through a lawyer admitted to practice in Missouri.
2. Staff need file no recommendation as to the application unless Public Wireless, Inc., complies with paragraph 1.
3. If Public Wireless, Inc., complies with paragraph 1, Staff shall file its recommendation no later than August 26, 2009.

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<sup>2</sup> **Reed v. Labor & Indus. Relat. Comm'n**, 789 S.W.2d 19, 22-23 (Mo. banc 1990).

<sup>3</sup> *Id.* at 23-24.

4. This order shall become effective immediately upon issuance.

( S E A L )

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed  
Secretary

Daniel Jordan, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240.

Dated at Jefferson City, Missouri,  
on this 17<sup>th</sup> day of August 2009.